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July 6, 1995

**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

RECEIVED

JUL 6 - 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Re: Ex Parte Presentation  
CC Docket No. 92-297

Dear Mr. Caton:

On July 5, 1995, Teledesic Corporation ("Teledesic") made a written ex parte to William F. Caton, Chairman Hundt, Commissioner Quello, Commissioner Barrett, Commissioner Ness, Commissioner Chong, Gregory Rosston, Blair Levin, Andrew Sinwell, Karen Brinkmann, Amy Lesch, Lauren J. Belvin, Scott Harris, Rudolfo M. Baca, Thomas Tycz, Lisa B. Smith, Jennifer Gilsenan, Jane Mago, Donna Bethea, Jill Luckett, Regina Keeney, James Casserly, Gerald P. Vaughan, David R. Siddall, Laurence Atlas, Mary P. McManus, Robert James, Robert M. Pepper, Susan E. Magnotti, Donald H. Gips, and Michael J. Marcus, by providing a copy of the attached letter to Chairman Hundt and the attached document entitled "Summary of Key Points."

Pursuant to Section 1.1206(a)(1) of the Commission's Rules, an original and two

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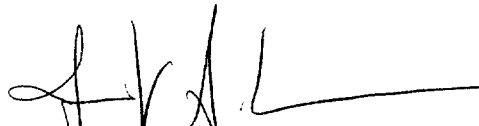
Mr. William F. Caton

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copies of this letter and its attachment are enclosed. A copy of this letter and its attachment are also being provided to the FCC staff indicated above.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tom W. Davidson', with a long horizontal flourish extending to the right.

Tom W. Davidson, P.C.  
Jennifer A. Manner

Enclosures

cc:	Chairman Hundt	Commissioner Ness
	Commissioner Chong	Commissioner Barrett
	Commissioner Quello	Gregory Rosston
	Blair Levin	Andrew Sinwell
	Karen Brinkmann	Amy Lesch
	Lauren J. Belvin	Scott Harris
	Rudolfo M. Baca	Thomas Tycz
	Lisa B. Smith	Jennifer Gilsensan
	Jane Mago	Donna Bethea
	Jill Lockett	Regina Keeney
	James Casserly	Gerald P. Vaughan
	David R. Siddall	Laurence Atlas
	Mary P. McManus	Robert James
	Robert M. Pepper	Susan E. Magnotti
	Donald H. Gips	Michael J. Marcus

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BRUSSELS, BELGIUM  
MOSCOW, RUSSIA

July 6, 1995

Chairman Reed E. Hundt  
Commissioner James H. Quello  
Commissioner Andrew C. Barrett  
Commissioner Susan Ness  
Commissioner Rachelle B. Chong  
Federal Communications Commission  
Washington, D.C. 20056

Re: Local Multipoint Distribution Service  
CC Docket No. 92-297, Ex Parte Presentation

Dear Chairman and Commissioners:

We are writing in response to an ex parte submission, dated June 30, 1995, in the above-captioned proceeding filed by Michael R. Gardner on behalf of various local multipoint distribution service ("LMDS") proponents. The submission sets forth a revised 27.5 - 30.0 GHz ("28 GHz") band plan being advanced by some LMDS proponents.

As demonstrated below, the band plan submitted by Mr. Gardner is one-sided, inequitable, and totally fails to adequately and reasonably address the spectrum requirements in the 28 GHz band of Teledesic Corporation ("Teledesic") and other satellite interests.

o Teledesic requires 500 MHz of spectrum on a primary basis in the 28 GHz band for its fixed and mobile satellite service uplinks. See, e.g., June 15, 1995 letter to Chairman Hundt and Commissioners from Teledesic Corporation in CC Docket No. 92-297.

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- o Spectrum reallocated on a primary basis to LMDS does not have to be contiguous in order to successfully deploy LMDS systems. In fact, non-contiguous spectrum facilitates interactivity in the LMDS. See, e.g., June 8, 1995 letter to Thomas S. Tycz in CC Docket No. 92-297 from Texas Instruments Incorporated.
- o No portion of the 28 GHz band preserved for the fixed satellite service should be designated to LMDS on a secondary basis. It is well established that co-frequency sharing between the fixed satellite service and the proposed LMDS is not possible. Rulemaking to Amend Part 1 and 21 of the Commission's Rules to Redesignate the 27.5 - 29.5 GHz Frequency Band and to Establish Rules for the Local Multipoint Distribution Service, 9 FCC Rcd 1394, at ¶ 49 (1994).
- o The latest proposal seeks 1100 MHz of spectrum on a primary basis for LMDS, which is 100 MHz more than even the maximum 1000 MHz CellularVision of New York, L.P. in 1991 claimed was necessary for LMDS to be competitive with a fiber cable system. Rulemaking to Amend Part 1 and 21 of the Commission's Rules to Redesignate the 27.5 - 29.5 GHz Frequency Band and to Establish Rules for the Local Multipoint Distribution Service, 8 FCC Rcd 577, at paras. 8-9 (1993).
- o The latest proposal does not even attempt to address the need for paired spectrum for non-geostationary satellite systems in the companion downlink band (i.e., 17.7 - 20.2 GHz). It also fails to take into account the need to pair spectrum for non-geostationary satellite systems in a portion of the downlink compatible with existing authorized uses.

For all of these reasons, the latest 28 GHz band plan proposed by Mr. Gardner must be rejected. It is essential that any band plan adopted by the Commission reserve 500 MHz of paired spectrum (i.e., in each direction) on a primary basis for non-geostationary satellite


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systems. Also enclosed is a document entitled "Summary of Key Points," which is being distributed simultaneously with this letter.

Sincerely,

A handwritten signature in cursive script, reading "Tom W. Davidson, P.C.", written in dark ink.

Tom W. Davidson, P.C.

Jennifer A. Manner

Enclosure

cc: William F. Caton  
Blair Levin  
Karen Brinkmann  
Lauren J. Belvin  
Rudolfo M. Baca  
Lisa B. Smith  
Jane Mago  
Jill Lockett  
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Laurence Atlas  
Robert James  
Susan E. Magnotti  
Michael J. Marcus

**SUMMARY OF KEY POINTS**  
**28 GHz Proceeding (CC Docket No. 92-197)**

**THE CURRENT FCC STAFF BAND PLAN, WHICH REFLECTS THE COMMISSION'S WRC-95 RECOMMENDATION, IS EVENHANDED.**

**UNDER THE FCC STAFF BAND PLAN:**

- **LMDS IS ALLOCATED THE MAXIMUM 1000 MHz NEEDED TO COMPETE WITH CABLE.**
- **GEOSTATIONARY ORBIT (GSO) SATELLITE SYSTEMS ARE ALLOCATED 1000 MHz OF SPECTRUM ON A PRIMARY OR CO-PRIMARY BASIS AND HAVE ACCESS TO ALL BUT 150 MHz OF THE REMAINDER OF THE 2.5 GHz BAND ON A SECONDARY BASIS.**
- **NON-GEOSTATIONARY ORBIT (NGSO) SATELLITE SYSTEMS ARE ALLOCATED 500 MHz OF PRIMARY SPECTRUM.**

**UNDER THE FCC STAFF BAND PLAN, LMDS IS ALLOCATED THE MAXIMUM 1000 MHz NEEDED TO COMPETE WITH CABLE.**

- Since 1991, some LMDS parties have claimed that they need access to 1000 MHz of spectrum in the 28 GHz band to establish an analog two-way voice and data system to compete effectively with fiber cable television service. Rulemaking to Amend Part 1 and Part 21 of the Commissions Rules to Redesignate the 27.5 - 29.5 GHz Frequency Band and to Establish Rules and Policies for Local Multipoint Distribution Service, 8 FCC Rcd 577, at paras. 8-9 (1993). Other LMDS proponents have claimed that only 750 MHz is sufficient for this purpose. Ex Parte Presentation to Susan Magnotti, Wireless Telecommunications Bureau, FCC, from Steven P. Seider, President, GHz Equipment Company, Inc. (filed June 8, 1995).
- A 28 GHz band plan that gives LMDS proponents 1000 MHz of spectrum for a system provides LMDS proponents with the maximum amount of spectrum they claim to need to operate a competitive LMDS system.
- Whether the 1000 MHz of spectrum allocated for LMDS is fully contiguous or non-contiguous depends on whether the particular LMDS system proposed is one-way or two-way. Accommodating CellularVision's preference for fully contiguous spectrum optimizes for their one-way architecture but is sub-optimal for more interactive architectures.
- Future expansion of LMDS can take place in the 40.5 - 42.5 GHz band where the 40 European Conference on Posts and Telecommunications (CEPT) Administrations are locating a comparable service.

**UNDER THE FCC STAFF BAND PLAN, GEOSTATIONARY ORBIT (GSO) SATELLITE SYSTEMS ARE ALLOCATED 1000 MHz OF SPECTRUM ON A PRIMARY OR CO-PRIMARY BASIS AND ARE AUTHORIZED TO OPERATE IN ALL BUT 150 MHz OF THE 2.5 GHz OF THE 28 GHz BAND.**

- All of the spectrum in the C and Ku bands is allocated on a primary basis to GSO satellite systems.
- Teledesic supports the allocation of an additional 1000 MHz of spectrum on a primary or co-primary basis for GSO satellite systems in the space-to-Earth direction in the 28 GHz band.

Such a band plan meets the domestic requirements for Hughes' Spaceway system. Thus, Hughes has requested 1000 MHz of spectrum domestically in the Earth-to-space direction to operate its Spaceway system.

- Teledesic supports the allocation of an additional 1350 MHz of spectrum in the Earth-to-space direction on a secondary basis to GSO satellite systems in the 28 GHz band.
- Such a band plan will not "hurt" GSO satellite systems because it provides them with access to 2.35 GHz of the entire 2.5 GHz of spectrum available in the 28 GHz band.
- Additional GSO entrants can be accommodated in the same spectrum through orbital arc separation. Therefore, existing known GSO proponents are not at risk from additional entrants.

**UNDER THE FCC STAFF BAND PLAN, NON-  
GEOSTATIONARY ORBIT (NGSO) SATELLITE SYSTEMS  
ARE ALLOCATED 500 MHz OF PRIMARY SPECTRUM.**

- The 500 MHz allocation must serve the current and future needs of NGSO satellite systems operating in the 27.5 - 30 GHz band ("28 GHz band").
- A primary allocation of 500 MHz is the absolute minimum required to accommodate NGSO systems in the 28 GHz band.
- Teledesic, a unique hybrid fixed and mobile NGSO satellite system alone requires 500 MHz of spectrum on a primary basis in the 28 GHz band for its fixed and mobile satellite service in the Earth-to-space direction.
- Teledesic has requested, and requires, 500 MHz for its system: 400 MHz for fixed satellite service and 100 MHz for mobile satellite service.

The distinction between the fixed satellite service (FSS) and the mobile satellite service (MSS) is not inherent in the nature of the services enabled by the NGSO Teledesic system. The same interactive broadband capability of the Teledesic system that can extend benefits to users in fixed applications, such as hospitals, can benefit users in mobile applications, such as ambulances and other emergency vehicles.

Teledesic filed separately for spectrum in the fixed and mobile satellite services because the Table of Allocation currently makes the distinction between service types (fixed/mobile), but not between system types (GSO/NGSO).

Teledesic did not file for the 100 MHz of mobile satellite spectrum in its original application because, in the United States, Norris Satellite Communications already had a license to operate in that portion of the 28 GHz band allocated for mobile satellite service (29.5 - 30 GHz) and Teledesic's application would have been considered mutually exclusive.

Teledesic expected that the Norris license would be canceled, thus allowing it to apply for the remaining mobile spectrum that it needed. However, in December 1994, when it became clear that the Commission would not resolve the Norris issue in the time frame required for WRC-95, Teledesic was forced to file for 100 MHz of mobile satellite spectrum only outside the United States.

Teledesic realizes that the Commission ultimately will determine what portion of the 28 GHz band will be allocated to NGSOs, fixed and mobile; however, in order to file an application for the mobile component of the system, and make its complete system requirements known, Teledesic could only apply for bands currently allocated to mobile satellite service.<sup>1</sup>

- A primary allocation of 500 MHz for NGSO satellite systems may be insufficient because it may not meet the requirements of other NGSO satellite systems that will seek to operate in the 28 GHz band.
- **Teledesic is the only party to this proceeding at risk of not obtaining sufficient spectrum for its service due to the potential emergence of additional entrants.**

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<sup>1</sup> If the domestic table of allocations is modified to eliminate the distinction between MSS and FSS in all or part of the 28 GHz band, Teledesic will amend its application to seek 500 MHz of contiguous spectrum.